

REMARKS

Claim Changes Summary

Claim 1 is amended to provide antecedent basis for some elements in the claim and to recite “wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time” in order to clarify the language. These changes are at least based on the description on page 1, lines 19-28 of the specification as filed. Thus, no new matter is added.

Claims 6 and 9 are amended to recite “wherein the second slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time” in order to clarify the language. These changes are at least based on the description on page 1, lines 19-28 of the specification as filed. Thus, no new matter is added.

Claim 13 is cancelled.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of Claims 1, 2, 4-6, and 9-11 under 35 U.S.C. 103(a) as being unpatentable over Desgagne, et al. (USPN 6,296,453) in view of Haartsen (USPN 6,650,630)

Applicant respectfully traverses in part and amends in part. Applicant has amended Claims 1, 6 and 9 to clarify the invention. Applicant therefore respectfully requests

reconsideration of the rejection of Claims 1, 2, 4-6 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Desgagne, et al. in view of Haartsen.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that the combination of Desgagne and Haartsen does not teach or suggest all the claim limitations as set forth in independent Claim 1, as amended. Specifically, independent Claim 1 requires “setting a first slotting structure . . . based on the first requested call type, wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time”, which is not taught or suggested in the combination of Desgagne and Haartsen. Since the combination of Desgagne and Haartsen fails to disclose Applicant's claimed invention as claimed in independent Claim 1, Applicant respectfully requests withdrawal of the rejection of Claim 1 under 35 USC 103(a) and further requests that Claim 1 now be passed to allowance.

Applicant respectfully disagrees with the statement in item 3, page 2, of the Office Action dated January 23, 2007 that the combination of Desgagne and Haartsen describes “setting a first slotting structure . . . based on the requested call type”. The Office Action specifically refers to a channel assignment process that can be used in a TDMA system (described in col. 7, lines 30-37 and col. 9, lines 50-52 of Desgagne) as being analogous to “setting a first slotting structure . . . based on the requested call type”. This analogy is, however, a mischaracterization of Desgagne. Applicant has amended Claim 1 to further

clarify and define the first slotting structure as being “selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time”. Based on this clarification and based on an admission in the Office Action at page 3 that Desgagne does not refer to “inbound and outbound channels” and an admission in the Office Action at page 7 that Desgagne as modified by Haartsen does not refer to the slotting structure being one of an aligned slotting structure or an offset slotting structure, the channel assignment process of the Desgagne reference is not analogous to the first slotting structure recited in Claim 1.

Moreover, Applicant notes that the Office Action further refers to an offset slotting structure described in col. 3, lines 40-47 of Ottoson, et al. (USPN 6,665,288). This passage in Ottoson specifically states “the second channel may be transmitted using an offset slot structure that is aligned with the first channel”. However, the reference is clear that “embodiments of the present invention described herein refer to forward link (downlink) channels” only (col. 5, lines 27-28; *see also* col. 3, lines 24-27). Therefore, since the offset slotting structure described in Ottoson uses only downlink channels, this offset slotting structure is not analogous to “the inbound and outbound channels being offset in time” as recited in Claim 1.

Therefore, since the combination of Desgagne and Haartsen does not teach or suggest the claim limitations of “setting a first slotting structure . . . based on the first requested call type, wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time” as required by independent Claim 1, Applicant submits that Claim 1 is not obvious in view of the combination of Desgagne and Haartsen. Accordingly, Applicant submits that the rejection of Claim 1 under 35 USC 103(a) is improper and should be withdrawn. Applicant further requests that Claim 1 now be passed to allowance.

Dependent Claim 2, 4-6 and 9-11 depend from, and include all the limitations of independent Claim 1, which is shown to be allowable for the reasons given above.

Therefore, Applicant respectfully submits that dependent Claims 2, 4-6 and 9-11 are in proper condition for allowance and request that these claims now be passed to allowance.

Rejection of Claims 3 and 7 under 35 U.S.C. 103(a) as being unpatentable over Desgagne, et al. (USPN 6,296,453) in view of Haartsen (USPN 6,650,630), as applied to Claims 1 and 6, and further in view of Dertz, et al. (US Pub. No. 2002/20093948)

As mentioned above, Applicant respectfully submits that the combination of Desgagne and Haartsen does not teach or suggest “setting a first slotting structure . . . based on the first requested call type, wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time” as required by independent Claim 1. Since Dertz, et al. also does not teach or suggest these limitations, the combination of these references fails to disclose Applicant’s claimed invention. Applicant, therefore, respectfully requests withdrawal of the rejection of Claims 3 and 7 under 35 USC 103(a), and further requests that these claims now be passed to allowance.

Rejection of Claims 8 and 12 under 35 U.S.C. 103(a) as being unpatentable over Desgagne, et al. (USPN 6,296,453) in view of Haartsen (USPN 6,650,630), as applied to Claims 1 and 4, and further in view of Dertz, et al. (US Pub. No. 2002/20093948) and Klein, et al. (USPN 6,707,798)

As mentioned above, Applicant respectfully submits that the combination of Desgagne, Haartsen and Dertz, et al. does not teach or suggest “setting a first slotting structure . . . based on the first requested call type, wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time” as required by independent Claim 1. Since Klein, et al. also does not teach or suggest these limitations, the combination of these references fails to disclose Applicant’s claimed invention. Applicant, therefore,

respectfully requests withdrawal of the rejection of Claims 8 and 12 under 35 USC 103(a), and further requests that these claims now be passed to allowance.

Rejection of Claim 13 under 35 U.S.C. 103(a) as being unpatentable over Desgagne, et al. (USPN 6,296,453) in view of Haartsen (USPN 6,650,630), as applied to Claim 1, and further in view of Ottoson, et al. (USPN 6,665,288)

Applicant has cancelled Claim 13 thereby rendering moot the rejection of this claim in the Office Action.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

By: /Valerie M. Davis/
Valerie M. Davis
Attorney of Record
Reg. No.: 50,203

Telephone: 847-576-6733
Fax No.: 847-576-0721
Email: vdavis@motorola.com